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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,544	03/08/2004	Kotaro Terada	393032043900	1971
25224 7590 10/28/2008 MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024				
EXAMINER				
SELLERS, DANIEL R				
ART UNIT		PAPER NUMBER		
2614				
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10/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/796,544

**Applicant(s)**

TERADA ET AL.

**Examiner**

DANIEL R. SELLERS

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-7 and 9-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 9-12 is/are allowed.  
6) ☒ Claim(s) 4-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 4-7 have been considered but are moot in view of the new ground(s) of rejection. The objection to claim 4 appears to have been premature with respect to a new search of the art.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. **Claims 4-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Silfvast (previously cited, hereinafter the '241 patent) in view of the Silfvast (hereinafter the '610 patent), US 5,959,610 A and Silfvajt et al. (hereinafter the '501 patent), US 5,402,501 A.
4. Regarding **claim 4**, the '241 patent teaches

*Claim 4 (currently amended): An audio signal processing device which processes audio signals and outputs the audio signals, comprising:*

*controls for setting values of parameters of the signal processing (see figure 2, fader 54 and rotary control 58);*

*a display for presenting a set value of the parameter, said display having a light emitting diode capable of lighting in a plurality of styles (see figure 2, display 64, figure 4, unit 400, figures 11A-11C and column 9, line 57 - column 10, line 13);*

*a memory for storing a value of the parameter (figure 2, memory 502);*

*a loader for loading the value of the parameter stored in said memory (figure 2, host processor 503); and*

*a display controller (figure 2, host processor 503 and "updates the parameters for display on the channel controls 501 as appropriate," column 9, lines 10-11) for making said display present the loaded value of the parameter and a value of the parameter set at a time of the loading when said loader loads the value of the parameter, such that a common display simultaneously presents the loaded value and the value set at the time of the loading in different display styles.*

The '241 patent teaches the features above, but does not teach a display for presenting a loaded value of the parameter and a value of the parameter set at the time of loading when said loader loads the value of the parameter.

The '610 patent teaches different features in a similar mixing device. Specifically, the '610 patent teaches lighting the appropriate LED at the time of recall (see figures 4A and 4B and column 3, line 57 - column 4, line 22). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of the '241 patent and the '610 patent for the purpose of reducing the mechanical parts of the mixing device. Therefore the combination of the '241 and the '610 patent teach a display for presenting a loaded value of the parameter. The combination does not appear to teach a common display simultaneously presenting the loaded value and the value set at the time of the loading in different display styles.

The '501 patent teaches even more features in a similar mixing device, wherein the loaded setting and the physical setting of faders and knobs do not agree (see column 15, lines 3-27 and figure 3E, units 287-289 and 293). Specifically, the '501 patent teaches a method for displaying a mismatch between the loaded value and the physical position of the knob by illuminating an LED (see column 15, lines 22-27). The '241 patent teaches several different "anchor mode[s]", wherein a brightest LED indicates the actual position of the value of the function (see the '241 patent, column 9, line 15 - column 10, line 13 and figures 8A-11C). It would have been obvious for one of ordinary skill in the art at the time of the invention combine the '241, the '610, and the '501 patent to provide a better display. The better display would be realized by showing

in the two different display styles (i.e. a dimmer and a bright mode) the mismatch between the loaded (i.e. recalled) and the physical position of the knob, so that a user of the device can clearly see how the loaded settings effected the value set at the time of the loading (i.e. the previous physical or used position).

5. Regarding **claim 5**, the further limitation of claim 4, see the preceding argument with respect to claim 4. The combination teaches the features of an audio signal device according to claim 4,

*wherein lighting brightness of said light source is different for each of the display styles (see the '241 patent, column 9, line 15 - column 10, line 13).*

6. Regarding **claim 6**, the further limitation of claim 5, see the preceding argument with respect to claim 5. The combination teaches the features of an audio signal device according to claim 5, wherein it is obvious that the loaded value is brighter than the value set at the time of loading (i.e. the last set value before loading) (see the preceding argument with respect to claim 4).

7. Regarding **claim 7**, the further limitation of claim 4, see the preceding argument with respect to claim 4. The combination teaches the features of an audio signal device according to claim 4, wherein it is obvious to use different lighting colors for each of the different display styles. The '241 patent teaches brighter and dimmer modes, the '501 patent teaches different colors to show mismatches, and it would have been obvious to use different colors instead of different brightness values to more clearly show mismatches.

***Allowable Subject Matter***

8. **Claims 9-12** are allowed.
9. Regarding **claim 9**, the prior art does not appear to teach or reasonably suggest a display for presenting a range of an overlapped part and a different part from a common reference point to a parameter previously loaded (i.e. the parameter set at the time of loading) and a common reference point to a loaded parameter. This is believed to be understood with reference to applicants own figure 3A, wherein the parameter set at the time of loading is the "Before Recall" setting and the loaded parameter is one of the "After Recall" settings with respect to the "Y state".
10. Regarding **claims 10-12**, see the preceding argument with respect to claim 9. They are allowable, because they depend from claim 9.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/

Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614